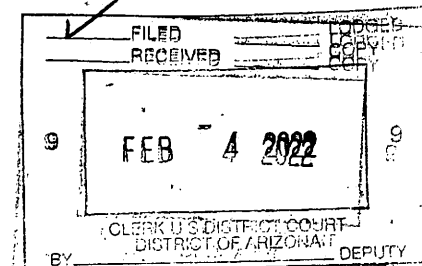


**BENEFICIARY**  
**OF**  
**DAVID BENJAMIN BELL**  
Name and Prisoner/Booking Number  
**PIMA COUNTY ADULT DETENTION CENTER**  
Place of Confinement  
**P.O. Box 951 UNIT 4-D-6**  
Mailing Address  
**Tucson AZ 85713**  
City, State, Zip Code

*David Bell 01-11-2022*



(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ARIZONA**

**David Benjamin Bell**  
(Full Name of Plaintiff)

Plaintiff,

vs.

CASE NO. **CR-22-00059-FEIC**  
 (To be supplied by the Clerk)

- (1) **PIMA COUNTY ADULT DET. CENTER**  
(Full Name of Defendant)
- (2) **SGT. PERCO "AND OTHERS"**
- (3) **C.O. HOQUIN?**
- (4) **C.O. PR#5261**

Defendant(s).

☒ Check if there are additional Defendants and attach page 1-A listing them.

**CIVIL RIGHTS COMPLAINT  
 BY A PRISONER  
 "JURY TRIAL DEMANDED"**  
☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

- ☒ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983
- ☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
- ☐ Other: \_\_\_\_\_

2. Institution/city where violation occurred: **PIMA COUNTY ADULT DETENTION CENTER**

David Benjamin Bell  
NAME

PIMA COUNTY ADULT DETENTION CENTER  
PLACE OF CONFINEMENT

PIMA COUNTY DETENTION CENTER PO BOX 951 UNIT 4-D-6  
MAILING ADDRESS

TUCSON, AZ 85713  
CITY State ZIP Code

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

David Benjamin Bell  
Plaintiff

VS.

CASE NO. CR22-000059-FEIC

- PR#  
2) OFFICER 8886  
(DEFENDANTS)  
3) PIMA COUNTY ADMIN  
4) OFFICER BURBUENO  
5) NAPHCARE MEDICAL DEPT.  
6) SGT. PERCO  
7) C.O. HOQUIN ?  
8) PR# 5261  
9) C.O. LOPEZ  
10) SGT. KRAUSK  
11) C.O. ORDUNOZ?  
12) SGT. JAIGER  
~~13) PR# BURBUENO~~

CIVIL RIGHTS COMPLAINT  
BY A PRISONER

☒ ORIGINAL COMPLAINT

JURISDICTION

29 USC § 1343 (a); 42 USC § 1983

P.C.A.D.C.

**B. DEFENDANTS**

1. Name of first Defendant: P.C.A.D.C. The first Defendant is employed as:  
Institution / ADMINISTRATION P.C.A.D.C.  
(Position and Title) (Institution)
2. Name of second Defendant: SGT. PERCO The second Defendant is employed as:  
Sargent at PIMA COUNTY ADULT DETENTION  
(Position and Title) HODGWIN (Institution) CENTER
3. Name of third Defendant: C.O. HODGWIN ? The third Defendant is employed as:  
CORRECTION OFFICER at P.C.A.D.C.  
(Position and Title) (Institution)
4. Name of fourth Defendant: C.O. PR# 5261 The fourth Defendant is employed as:  
Disciplinary Officer at P.C.A.D.C.  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No
2. If yes, how many lawsuits have you filed? \_\_\_\_ Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

1-B DEFENDANTS

[REDACTED]

5. NAME SGT. JAIGER

Employed AS: SGT.

P.C.A.D.C.  
INSTITUTION

[REDACTED]

[REDACTED]

6. NAME: BURGUEÑO : Employed AS: Correction OFC; AT PLAD

7. KRAUSK : Employed AS: SGT, At P.C.A.D.C.

8. CHAVEZ , : Employed AS: Specialist At: P.C.A.D.

9. LOPEZ , : Employed AS: C.O. ; At P.C.A.D.C.

10. ORDINOZ : Employed AS: C.O. At P.C.A.D.C.

11. NAPHCARE MEDICAL DEPT. Employed AS Nurse  
giving Assessment or Provider. At P.C.A.D.C.

12. PR# 8886 , Employed AS: C.O. At P.C.A.D.C.

1-B

## D. CAUSE OF ACTION

## COUNT I

1. State the constitutional or other federal civil right that was violated: CONSPIRACY TO Interfere with Civil Rights "LAW LIBRARY"

2. Count I. Identify the issue involved. Check only one. State additional issues in separate counts.

- ☐ Basic necessities      ☐ Mail      ☒ Access to the court      ☐ Medical care  
☐ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☒ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☐ Other: \_\_\_\_\_

3. Supporting Facts. State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

On 12-23-2021 I submitted a grievance for warning ADMINISTRATION OF A OFFICER GETTING READY TO CARRY OUT THREATS OF ABUSE AND NIPLECT AND sending other inmates to or STAFF TO DROP DRUGS in front of our cell or SPECIFICALLY MY CELL. APPROXIMATELY A HOUR LATER I WAS PULLED YANKED OUT OF MY CELL BECAUSE I INSISTED ON SPEAKING WITH THE OFFICERS SGT. I WAS THREATENED BY THE OFFICER IF I SHOULD RETURN FURTHER ABUSE WILL BE TAKEN. WELL I RETURNED TWO DAYS LATER AND DRUGS WERE ALLEGEDLY FOUND INSIDE MY CELL WHILE I WAS ON THE PHONE ON THE OTHER SIDE OF 1-GALF. I AM NOW IN THE HOLE AGAIN SENTENCED TO 30 DAYS AND GIVEN ANY ACCESS TO THE LAW LIBRARY ONLY ACCESSIBLE ON A TABLET THATS CONSIDERED A PRIVILEGE AND IVE BEEN LOCKED DOWN 60 DAYS WITH NO RELIEF.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

I AM SUBJECTED TO CELL 6 AND RESTRICTED OF ANY SHOWERS OR ~~EXERCISE~~ UNTIL AFTER ABOUT 6 CONSECUTIVE DAYS LEAVING ME WITH LEGIONS ON MY FEET.

5. Administrative Remedies:

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☒ No
- b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_



## COUNT II

1. State the constitutional or other federal civil right that was violated: NIE PROCESS RIGHTS  
CLAUSE 4TH AMENDMENT / CONST.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.

- ☒ Basic necessities      ☐ Mail      ☐ Access to the court      ☐ Medical care  
☐ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☐ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☐ Other: \_\_\_\_\_

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

- A Basic Necessity Here In P.C.A.D.C. Is The Tablet Which IS Now The Only Way To Exercise NIE PROCESS RIGHTS And Access The LEGAL LAW LIBRARY. However I Have Made Numerous Complaints And My Complaints Are Either Disregarded Or Abandoned Due To Administrative Lockdowns Or A 10 DAY Blackout Period If A Inmate Is Moved Within The Institution. Everytime A Inmate Is Moved Within The Institution The Inmate Is Restricted From Tablets For Ten Days. The Inmate Is Then Only Permitted To Use A Tablet During DAY Room Which IS When The Administrative Lockdowns go Into Effect.

- This Code OF conduct has hindered me in such ways to thwart and throttle me from meeting time restraints to respond to my complaints or the FACTIONS Against me.

- I Spoke With Disciplinary officer #5261 And Sgt. Jaeger About This ADMIN. Error Restricting Inmates from the "LAW Library" And the The Tablet being the only way to Access it because It contains it.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

30 Day Lock Down, Disciplinary Hearing, Loss Commissary, Loss Recreation and Loss of Visitation. Loss of All Privileges Being Most Importantly The LAW LIBRARY / TABLET. Whenever my cell opens I have to Choose A Shower OR TABLET For 20 Mins.

5. **Administrative Remedies.**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No  
b. Did you submit a request for administrative relief on Count II? ☒ Yes ☒ No  
c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☒ No  
d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

I did not because I am restricted from everything. Every Direction I IS Hindered until no longer relevant.

## COUNT III

1. State the constitutional or other federal civil right that was violated: 8th AMENDMENT  
Cruel And Unusual Punishment / 14th AMENDMENT, Adequate Med. care

2. Count III. Identify the issue involved. Check **only one**. State additional issues in separate counts.

- ☐ Basic necessities      ☐ Mail      ☐ Access to the court      ☐ Medical care  
☒ Disciplinary proceedings      ☐ Property      ☐ Exercise of religion      ☐ Retaliation  
☐ Excessive force by an officer      ☐ Threat to safety      ☒ Other: Conditions of Confinement

3. Supporting Facts. State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

- On 1/4/2022 Discipline officer PR# 261 Inmired the 9th to Possession and Subverted me to horrid and unlivable conditions of Confinement saying Verbatim "Everything you told me would be adequate in court and I'm sure your lawyer will put this place alive but this isn't a legal matter, it's a in house matter and I find you guilty". - Dietary needs Are also not being met.
- The Same day Officer Chavez / Admin. Officer exstended My Isolation status due to A incident that was dismissed because the officer that removed me from 1-GOLF-unit Abused his Authority by the use of Excessive force. This Decision has worsened my Uninhabitable conditions of Confinement.
- My Stay in 4A-CELL 31, Officer LOPEZ didn't give me A Shower for 10 DAYS. My cell never opened for anything other than once for 15 Days. - My Stay in 1-GOLF from 4-A-31 to 1-G-30 I was Locked down 9 Days No Relief Given.

4. Injury. State how you were injured by the actions or inactions of the Defendant(s).

Neglect of basic necessities, Proper or adequate Medical care, Cruel and Unusual Punishment, Meals Does not meet Dietary needs, Showers fking with DNA, Dirty towels and trash, one shower is being used for a forty men cell unit and sores on my feet.

5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count III? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. I only come out 20 mins A day if were not on lockdown which is frequently. I have to choose shower or tablet for 20 mins I've tried everything

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

But the officers enforce only POLICY

STATE THE CONSTITUTIONAL OR OTHER FEDERAL ~~Right~~ Right That was Violated

1. A Right To have Attorney COUNT 4  
Present During Any ASSESSMENT OR Questioning

2. COUNT 4 - Identify The Issue Involved. Check one box only.  
☐ BASIC Necessities ☐ MAIL ☐ ACCESS TO COURT ☐ Medical Care  
☐ DISCIPLINARY ☐ PROPERTY ☐ EXERCISE OF religion ☐ RETALIATION  
☒ EXCESSIVE Force ☐ Threat To Safety

3. SUPPORTING FACTS. 12-27-2021 OFC. Hoquin Bust My Lip Following  
 - Incident #22042009 Due To Returning to 1-G-28 as my new assigned  
 Cell, I was forewarned by officer JUDD that officer Hoquin or haven  
 you spell his name was working on getting me charged. OFC. JUDD  
 Told me "this doesn't leave the desk BELL" Verbatim This convo took  
 place on December 30, 2021 I believe my first day room and only  
 day room up until the 8th of Jan, 2022. - on Jan, 2, 2022 Officer orduno  
 and another officer were observed doing some suspicious things also illegal &  
 prohibited. Shortly after the two officers find drugs I was told tested positive  
 for crack cocaine. I was removed by officer HADZIT when SGT. PERCO  
 APPEARED stating "I don't believe in coincidences and it so happens that  
 the drugs found in your room test positive for blues and Inmate  
 OBERGART or whatever overdosed off blues and you were the last one  
 passing to him" (Verbatim) SGT PERCO Told me I don't have any rights when  
 I asked to speak with or have a attorney present. SGT PERCO Took me to  
 the Xray machine, then stripped searched me with At least 6 other officers,  
 then forced me to pee and pee inside of a cup stating (Verbatim) "Whats wrong  
 you don't have any problem with any other man watching you through your  
 window all the time." The medical nurse also encouraged his behavior while  
 I keep repeating to her "I want my Lawyer." I believe she's Caucasian.

4. ~~INJURY~~ INJURY: PHYSICAL & PSYCHOLOGICAL ABUSE.

Remedies: The reason is because I was Locked Down From that Sunday  
 Till Saturday, No Shower, Dayroom, No relief, NO ACCESS TO Exercise  
 Due Process Rights. I can not Bare my conditions or vindictiveness  
 and Unusual Treatment any longer. My Complaint are going to have to Cease



COUNT 5

1. I have a EXPECTATION OF PRIVACY in my LEGAL MAIL, SPECIFICALLY LEGAL MAIL, CONST. "RIGHT TO ASSEMBLY"

2. Basic Necessity ☒ MAIL ACCESS TO COURT Medical Care  
Disciplinary Property Exercise of Religion Retaliation  
EXCESSIVE FORCE Threat to safety

3. Supporting FACTS. STAFF brings my LEGAL MAIL to me PRE-OPENED. The Defendants/Admin/ Has been sharing Information to my case with inmates such as Inmate occupying Cell #14 in unit 4-D. This inmate told me everything about my whereabouts Inside of P.C.A.D.C. And Then later asked me if he could buy something to smoke from me. On 1/13/2022 the inmate shows me area cookies the only thing I could afford and ordered on the store list. The inmate in room 7-4-D has asked me about my murder charges and so did inmate in cell 5-4-D as well and I never met or spoke with any of these Individuals. Inmate in cell 7 just so happens to have been to three Pods I have been to and seems to be following me. I got my Paperwork yesterday 3 Crack Cocain was founded on the victim not me and than It just so happens that crack cocaine is found inside my cell in unit 2-G-28. I predicted in a 12-27-21 grievance to ADMIN/ the officer was going to carry out his threats. Inmate Chappetti is the one mentioning my cell in his messages on his tablet selling rest me. I spoke with attorney MARK Resnic and bring up a cigarette during a legal call next thing you know the Disciplinary is admitting a hint was also founded that wasn't mentioned in the Report.

INJURY DURESS, PERSONAL TORT, Malicious INTENT.

Administrative Remedies Restricted Go All NO

5-8

## COUNT 6

1. State the constitutional or federal civil Right violated: 1st  
AMENDMENT, Equal Rights.

2. Count 1. ☒ Access To Court

3. SUPPORTED FACTS.

Policy of DLD LockDown and word from D.L.D. Officer Ruiz, "After you get off of DLD. I will allow you to use the tablet," but until then you're not allowed to have A Pencil, Personal Envelopes, Paper, Property, Personal hygiene, Personal Phone calls, Visits, tablets and ice, Soda or Chips on Fridays." Verbatim

- Now in that one Paragraph alone all of my constitutional Rights were stripped away from by another man like my Myself Pursuant to Administrative Error.

- The Const. also says, no Law, Rule or POLICY should be created that directly infringe upon or ~~off~~ stem from a Constitutional Right yet, P.C.A.D.C. is doing exactly that, that the Constitution SPECIFICALLY says NO FEDERAL LAW, NO STATE LAW OR LOCAL LAW should be created or Enforced that does ANY of the ABOVE.

- 4. Injury. Delayed, Neglect, Poor medical serv. anguish, Intimidate

5. ADMIN. Remedies:

☒ Yes  
☒ Yes  
☒ Yes

COUNT 7

1. 14th AMENDMENT Pretrial Detainees...  
Life, Liberty without Due Process

THREAT TO SAFETY

2.

3. Supporting Facts:

Incident #22010-2009. Other Inmates Involved one known as Inmate 001580557 CHAPETTI. Inbetween 1900 HRS and 2100 hrs OFC. BURGUEÑO APPROACHED me during a Phone Call to my family demanding that I hang up the Phone and answer his question to what is a white substance inside of a lunch baggie. I replied why and to the ~~question~~ <sup>hang up</sup> the phone and sugar to his question. OFC Burgueno said are you sure and I said yes and OFC Burgueno shared the substance to me and I Ingested myself with the substance. After that I replied yes, its sugar and went to my cell. I was Informed shortly after that the substance tested Positive for Crack Cococain and booked on new Charges While Inmate Chappetti is Yelling to the officer asking me if anyone else were involved and I replied yes cell #14 but the officers ignored my statements as well as the officers that founded it statements as well saying "I taste it myself and it was sugar".

Injury Loss of Liberty, All Phones, Legal Phone Ect... My father Passed Away And I couldn't reach Him, My right to Assembly was taken from me.

5.

Yes  
Yes  
Yes

5-D

1. 8th Amendment - Adequate Health CARE without due PROCESS

✓ medical CART

### 5. SUPPORTING FACTS.

JAN-4-2022 I believe, I Put in A Medical Request to see the Provider for Injuries to my right causing inflammation and the nurse asked me about my injury and I told her the same thing I wrote on the form. A couple days later I was given talenol for the Injury never seen the Provider nor was I Assessed by any RN's or employees therein.

- Since then I have put in several medical forms and have yet to be seen on one of the four I submitted this month of January. It has now been two weeks and a half including me asking the med call nurse delivering medication to the units to look into my request.

- The conditions of confinement are horrible and Aid is delayed. I have now incurred lesions on my stomach and right Arm. The unit has been locked down 4 days no relief, no showers.

Industry 4 Medium industries but progressing. No Aid, No relief.

Amin / 5      ☒ Yes    ☒ Yes    ☒ Yes    TABLET Restriction due to DLD  
                ☐ No        ☐ No        ☐ No



59+  
SAIGER

At 1200 hrs 12-22-21 All tablets were taken  
Because two Inmates took it upon themselves  
to disrupt the pod by yelling to each other  
from different tiers. Now this is not only  
A group Punishment but Another Administrative  
Error

E. REQUEST FOR RELIEF

State the relief you are seeking:

The relief I am seeking is FIVE MILLION DOLLARS PER COUNT for counts 1, 2, 4 and 5. I am seeking a public apology for count 3 to me and my family as well as friends. COUNTS 6 AND 7, 5 Million Dollars A Piece.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

1-1-2022

DATE

David Bell

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THE  
 FOREGOING WAS MAILED THIS SEVENTEEN DAY  
 OF JANUARY 2022

P.C.A.D.C.

1270 W. Silverlake Rd.

TULSON AZ 85713

ATTORNEY FOR DEFENDANTS

DAVID BENJAMIN BELL

signature

P.O. Box 951

TULSON AZ 85712

OFC 886 PR#

ADMINISTRATION PLADC

NAPHCARE MEDICAL DEPT.

SGT. PERCO

C.O. HOGUIN

PR# 5261

C.O. LOPEZ

SGT. KRAUSK

C.O. ORDUÑOZ

C.O. BURGUEÑO

SGT. JAIGER

1270 W. Silverlake Rd.

TULSON AZ 85713

U.S. District  
 COURT CLERK  
 U.S. Court House  
 Suite 1500  
 405 W. CONGRESS  
 ST. TULSON AZ, 85701

DAVID BELL

David Bell 1-17-2